



**JUSTICE AND PUBLIC
SAFETY CABINET
DEPARTMENT OF
JUVENILE JUSTICE
POLICY AND
PROCEDURES**

REFERENCES:
505 KAR 1:110
3-JTS-3B-15
3-JCRF-3A-08
1-JDTP-3E-10, 11
1-JBC-3B-15
4-JCF-2A-01

CHAPTER: Program Services

AUTHORITY: KRS 15A.0652

**SUBJECT: Escape and Absent Without
Leave**

POLICY NUMBER: DJJ 327

TOTAL PAGES: 6

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APPROVAL: Bob D. Hayter

, COMMISSIONER

I. POLICY

Procedures shall be followed to locate and return the youth considered escaped or absent without leave (AWOL). A youth who has escaped or is AWOL may be subject to additional criminal charges and an administrative transfer (ATR).

II. APPLICABILITY

This policy shall apply to each Department of Juvenile Justice (DJJ) group home and youth development center (YDC).

LIMITED APPLICABILITY

A DJJ operated day treatment program, therapeutic foster care placement, or private child care agency shall notify the juvenile service worker (JSW) when a youth is absent or leaves the program grounds without permission. Documented notification shall be made within two (2) hours to the parent or caregiver whenever a juvenile is unexpectedly absent.

III. DEFINITIONS

Refer to Chapter 300.

IV. PROCEDURES

- A. A DJJ Escape or AWOL Report and the Wanted-Absconder Notice Request for NCIC Entry and Cancellation documentation shall be completed with basic demographic information on a youth at the time of admission. These documents shall be reviewed and updated quarterly.

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- B. Therapeutic foster care parents in a Level 1 placement shall be alert to the possibility that a youth may become AWOL and take appropriate and well defined measures to prevent a youth from AWOL.
- C. Staff in a Level 2-5 placement shall be alert to the possibility that a youth may escape from the facility's immediate boundaries and take appropriate and well defined measures to prevent a youth from escape.
- D. Staff shall ensure that preventive measures do not jeopardize the safety and security of a youth, staff, the surrounding community, citizens, or their property. All preventive measures shall ensure that a youth's civil rights are not violated or compromised.
- E. When a youth has escaped or is AWOL:
 - 1. The Superintendent or designee shall immediately request a Commissioner's Warrant via phone call to the Regional Division Director who shall issue the Commissioner's Warrant;
 - 2. The Superintendent or designee shall fax a signed copy of the Commissioner's Warrant and the DJJ Wanted-Absconder Notice Request for NCIC Entry and Cancellation Form, to the Kentucky State Police (KSP) Headquarters Communications Center for entry into LINK/NCIC. The Facilities Regional Administrator (FRA) shall send notification to the Regional Division Director;
 - 3. A Commissioner's Warrant shall convey authorization for a peace officer to take a youth into custody for return to a DJJ facility or detention center to await DJJ action.
 - 4. When the youth is located, it is the responsibility of the FRA or designee to immediately fax a notice of cancellation on the DJJ Wanted-Absconder Request for NCIC Entry Notice and Cancellation documentation to the KSP Headquarters Communications Center. The point of contact for the KSP is the FRA, as listed on the DJJ Wanted-Absconder Request for NCIC Entry Notice and Cancellation Form;
 - 5. DJJ shall be responsible for the return of youth arrested out of state; and
 - 6. The Division of Placement Services shall review and make changes to the validation list provided by KSP as required.
 - 7. If the AWOL youth is a youthful offender (YO) the following shall apply:
 - a. The Superintendent or designee shall immediately notify the Department's Offender Information Administrator.
 - b. The Department's Offender Information Administrator will ensure information about the AWOL is entered into the Victim Information and Notification Everyday (V.I.N.E.) system.
- F. A Kentucky Missing Person's Report shall be completed when the youth is missing for reasons other than their own choice.
- G. Each group home and YDC Superintendent shall establish written procedures for searching for and returning to custody, missing youth. These procedures

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shall be set forth in the facility Standard Operating Procedures (SOPs) Manual and shall include coordination with local and state law enforcement agencies. These procedures shall be reviewed annually and updated as necessary. Staff shall undergo training in their respective program regarding the escape or AWOL procedures.

H. In the event a youth escapes or is AWOL, the following procedures apply:

1. Staff who becomes aware of an escape or AWOL youth shall notify other staff present;
2. A designated staff member shall immediately place a call to the 911 emergency operator;
3. In an instance where the missing youth is suspected to possess a weapon, staff shall request assistance from law enforcement officials using the most expeditious means available. Staff shall not proceed or do anything that may escalate the situation;
4. Staff shall notify the Superintendent and administrative duty officer (ADO) as to the current situation and what actions have been taken and the shift supervisor shall complete an incident report prior to the end of shift;
5. After ensuring the safety and security of other youth, an on-grounds search shall be conducted;
6. If appropriate, an off-grounds search shall be conducted in the vicinity.
 - a. When conducting an off-grounds search staff shall:
 - i. Search the immediate vicinity in which the youth escaped or went AWOL;
 - ii. Utilize due diligence in an attempt to apprehend the youth which includes a short term, immediate search where the other youth remain in the line of sight; and
 - iii. Maintain the safety of the other youth and staff during the apprehension.
 - b. When conducting an off-grounds search staff shall not:
 - i. Go onto or enter private property without notification and the express permission of the owner or legal occupier. Each time a search is conducted, staff shall notify the owner of a search;
 - ii. Carry or use a firearm, knife, or other weapon, or dangerous instrument;
 - iii. Use unnecessary force. Any use of restraint necessary in the course of apprehension and return to custody shall be applied in accordance with DJJ policy;
 - iv. Cause unnecessary annoyance, alarm, or make unreasonable noise;
 - v. Engage in any activity that creates a hazardous condition;
 - vi. Violate any law or ordinance; and

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- vii. Use or allow other youth to look for, take into custody, or return a missing youth;
- 7. A call for assistance shall be made to KSP and the law enforcement unit in the home locale of the youth who has escaped or is AWOL. Once law enforcement arrives:
 - a. Law enforcement assumes primary responsibility in the search and apprehension of the youth;
 - b. Facility staff shall provide full cooperation to law enforcement;
 - c. The Superintendent or designee shall meet with law enforcement officials upon their arrival and fully brief them of the situation;
 - d. Information obtained as a result of searching for the AWOL or escaped youth shall be communicated immediately to appropriate law enforcement agencies using the most expeditious means available;
 - e. A photograph of the missing youth shall be provided; and
 - f. Facility staff shall utilize the DJJ Escape or AWOL Report and the DJJ Wanted Absconder Notice Request for NCIC Entry and Cancellation documentation as reference documents, when making the verbal escape report; additional information needed at the time of the report includes a description of what the youth was wearing at the time of the escape or AWOL and suspicion of any injuries occurring in the course of the escape or AWOL;
- 8. The Superintendent shall institute a formal record keeping process, other than the program log, to accurately document the events of an AWOL or escape. The formal recording shall include who was notified, when they were notified, and what actions were taken by the program site staff and others involved with the situation. This record shall be filed along with the incident report in the youth's hard case file and a notation in the electronic record;
- 9. An escape or AWOL shall require an immediate verbal notification, of the incident, up the chain of command.
 - a. The Superintendent or designee shall immediately notify the Regional Division Director or designee;
 - b. The Regional Division Director or designee shall notify the Deputy Commissioner of Program Operations; and
 - c. The Deputy Commissioner of Program Operations shall notify the Commissioner, as soon as practical;
- 10. The Deputy Commissioner of Programs Operations shall notify the designated departmental public information officer (PIO). The PIO shall conduct or coordinate response to all media contacts and inquiries;
- 11. Within two (2) hours of the escape or AWOL, a follow-up email shall be sent to the FRA, Regional Division Director, Communications Director,

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and Deputy Commissioner of Program Operations. This email shall include:

- a. The name of the youth;
 - b. Current facility;
 - c. Date, time, and location of the escape or AWOL;
 - d. DJJ number;
 - e. Date of birth;
 - f. Gender;
 - g. Committing county;
 - h. Committing offense;
 - i. Type of offender (public offender or youthful offender);
 - j. History of violence; and
 - k. Brief narrative of the event;
12. As soon as possible, but no later than four (4) hours after staff become aware of the escape or AWOL, the youth's parent or guardian and Juvenile Service Worker (JSW) shall be notified. The youth's parent or guardian's assistance shall be requested in notifying the appropriate law enforcement and DJJ agencies if the youth's location becomes known to them; and
13. The Superintendent or designee may file escape charges with the local prosecutor only with approval from the FRA, Regional Division Director, and the Community Regional Manager. The treatment team may also request an ATR.
- I. Refer to DJJ Chapter 600 regarding escape and AWOL policies and procedures for DJJ juvenile service staff.
 - J. When an escaped or AWOL youth is found and returned to the program or taken into custody by law enforcement, the Superintendent or designee shall notify the JSW and the parent or caregiver. An email shall be sent to the FRA, Regional Division Director, Classifications Branch Manager, PIO, and the Deputy Commissioner of Program Operations. Transportation arrangements shall be a joint responsibility between the community and facility staff.
 - K. DJJ investigation and review of an escape or AWOL incident shall be completed as follows:
 1. The Superintendent shall debrief the escape or AWOL with facility staff and provide a summary of the debriefing to the FRA and Regional Division Director; and
 2. The FRA and Regional Division Director shall conduct or request any further investigations as needed.

V. MONITORING MECHANISM

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- A. The Quality Assurance (QA) Branch shall monitor this practice annually.
- B. The FRA and the Regional Division Director shall review incidences of escape or AWOL.